

DECLARATORY
Improvement Res. No. 1185-1965

For the Condemnation of permanent right of way for easement purposes across, and through parts of: Space North of the intersection of U.S. Highway No. 27 and Indiana Highway No. 427 to the City of Fort Wayne, Indiana, being situated in the Northwest Quarter Section 25, Township 31 North, Range 12 East, Allen County, Indiana.

Resolution Adopted: Nov. 22, 1965

Confirmed: Dec. 16, 1965

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:
Feb. 14, 1966

DECLARATORY RESOLUTION NO. 1185-1965

For the Condemnation of permanent right of way for easement purposes across, and through parts of: Space North of the intersection of U. S. Highway No. 27 and Indiana Highway No. 427 to the City of Fort Wayne, Indiana, being situated in the Northwest Quarter Section 25, Township 31 North, Range 12 East, Allen County, Indiana.

PLANS ORDERED:

ADOPTED: Nov. 22, 1965

ADVERTISE NOTICE TO PROPERTY OWNERS: Nov. 26 & Dec. 3, 1965

Notices mailed Dec. 3, 1965

HEARING ON CONFIRMATION: Thurs., Dec. 16, 1965 3:30 p. m.

CONFIRMED: Dec. 16, 1965

ASSESSMENT ROLL ORDERED: Dec. 16, 1965

ASSESSMENT ROLL APPROVED: Jan. 10, 1966

HEARING ON CONFIRMATION

OF ASSESSMENT ROLL: Thurs., Jan. 27, 1966 3:30 p. m.

Continued to Thurs., Feb. 3, 1966 3:30 p. m.

NOTICE SERVED: Jan. 13, 1966

Final Assmt. Roll Ord. Feb. 3, 1966, also Unilateral Agreement executed.

ASSESSMENT ROLL CONFIRMED: Feb. 14, 1966

For the condemnation of permanent right of way for easement purpose across, and through parts of:

Space North of the intersection of U. S. Highway No. 27 and Indiana Highway No. 427 to the City of Fort Wayne, Indiana, being situated in the Northwest Quarter Section 25, Township 31 North, Range 12 East, Allen County, Indiana.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right of way for permanent easement for storm sewer purposes across and through a strip of land 14 feet in width contained in the following described real estate in Allen County, Indiana to wit:

Beginning at a point on the West line of the Northwest Quarter Section 25, Township 31 North, Range 12 East, in said county, said point being 2,171.3 feet South of the Northwest corner of said Section; thence East parallel with the North line of said Section 310.2 feet; thence South parallel with the West line of said Section 145.2 feet to the centerline of the Leo Road; thence Southwesterly on the centerline of the Leo Road 194.12 feet; thence Northwesterly to the West line of said Section 186.68 feet; thence North on the West line of the said Northwest Quarter 257.01 feet to the place of beginning.

The centerline of said easement is described as follows:

Beginning at a point on the West property line of the above described real estate and 148.2 feet South of the North property line; thence East and parallel to the North property line a distance of 282.77 feet to a point on the East property line of said real estate.

All as shown by a plan of such proposed Condemnation of right of way for sewer purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Condemnation of right of way for sewer easement shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Condemnation of right of way for sewer easement is described as follows:

Space North of the intersection of U. S. Highway No. 27 and Indiana Highway No. 427 to the City of Fort Wayne, Indiana, being situated in the Northwest Quarter Section 25, Township 31 North, Range 12 East, Allen County, Indiana.

All according to the method and manner provided for in an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporation," as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five percent (5%) per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All Proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

All streets, lots and lands affected by the above described Condemnation are situated in the Northwest Quarter Section 25, Township 31 North, Range 12 East, and lying wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 22 DAY OF November 1965.

ATTEST:

CLERK

Paul A. Brown
Robert W. Johnson

BOARD OF PUBLIC WORKS



Scale: 1"=100'



ENGINEERING
DEPT. OF STREETS

DATE November 18, 1965

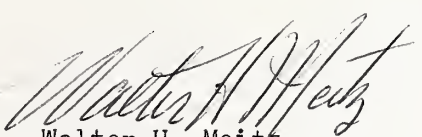
TO: Board of Public Works

SUBJECT: Declaratory Resolution No. 1185-1965

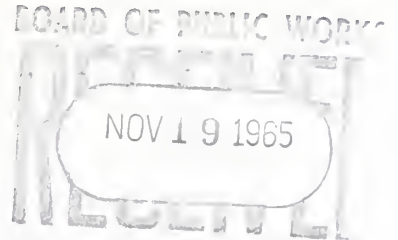
Date

The attached Declaratory Resolution was prepared by the Sewer Engineering Department and provides for the condemnation of right-of-way for sewer easement purposes in the vicinity of Coldwater Road and Ridgewood Drive. This easement is needed in connection with Sewer Resolution No. 160-1965. (Glenbrook Mall Shopping Center)

Please advise what board order number is assigned to this resolution. Drawing and property ownership list are also attached.


Walter H. Meitz
City Engineer

DEB:lc
attachs.



OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

49-65-1

B.O. 229-'65

Date Dec. 16, 1965

To City Engineer

Subject 1185-1965 easement for sewer 160

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
attach Reso. & P. O. List


NOTED
☒ F.S.E.
☐ J.W.D.
☐ G.F.G.
Date _____

Signed _____

Reply:

Jan. 3, 1966

Assessment Roll of Benefits and Damages completed and attached.


Walter H. Meitz
City Engineer

DEB:lc
attachs.

BOARD OF PUBLIC WORKS
RECEIVED
JAN 5 1966

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

49-114-1

B.O. 229-165

Date Feb. 3, 1966

To City Engineer

Subject Dec. Res. No. 1185-1965

Prepare the Final Assessment Roll as follows:

The Board determined the Gateway Properties, Inc. is damaged in the amount of \$400.00 and the City is benefited in the same amount.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
attach Assmt. Roll

Signed _____

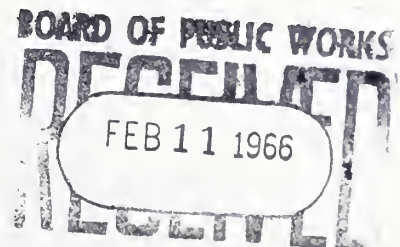
Reply:

February 11, 1966

The final assessment roll of benefits and damages is completed and attached, and was prepared in accordance with the above instructions.

Walter H. Meitz
City Engineer

DEB:lc
attach.



Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

C O V E N A N T

This instrument of covenant, made and entered into this 3rd day of February, 1966, by the civil City of Fort Wayne, Indiana and as executed by its representatives from the Board of Public Works, WITNESSETH THAT

WHEREAS, the civil City of Fort Wayne, in the month of December, 1965, caused to be condemned a certain right-of-way for a sewer easement on, over and across a certain triangular parcel of real estate situate in the Northwest Quarter of Section 25, Township 31 North, Range 12 East (west of CLINTON STREET, Fort Wayne, Indiana) owned by GATEWAY PROPERTIES, INC. and

WHEREAS, in due time said sewer was constructed which, in effect, bisected the triangular portion of land owned by said corporation, and

WHEREAS, the Corporation by its officers and legal counsel caused a remonstrance to be filed on the 21st day of January, 1966, as to all matters concerning money assessment and/or benefits by virtue of said sewer construction, and

WHEREAS, the said Corporation by its officers and counsel have been negotiating with the appropriate officials of the City of Fort Wayne with a view toward settling the question of assessment and/or damages arising out of such bisected sewer construction, and

WHEREAS, the parties have reached a state of compromise agreement which they desire to be incorporated into the dignity of a written instrument,

NOW THEREFORE, in consideration of the Corporation's agreement to accept a compromise sum for damages in connection with said sewer project, and in further consideration of the sincerity and fair dealing of the negotiating parties hereto

and the mutual concession of rights and privileges, the civil City of Fort Wayne, by its undersigned officers, does hereby agree as follows:

IT IS AGREED that GATEWAY PROPERTIES, INC. and/or its successors, grantees, lessees or assigns, shall have the right for so long as said realty is under the governmental control of the civil City of Fort Wayne, to erect or cause to be erected on said premises from time to time, any improvement or improvements, structures or buildings, on, over and across that certain easement area claimed and condemned by the City aforesaid; and the civil City of Fort Wayne does hereby waive any right to withhold permits or to prohibit the construction or erection of improvements on said land which might, as a matter of fact, encroach on or over such sewer easement; provided that such improvements be compatible with the provisions of the Zoning Ordinance of the City of Fort Wayne, and that the sub-structure of said improvements be constructed in such a way and by such appropriate re-enforcement that the actual use and effectiveness of such established sewer be not impaired or destroyed.

IT IS FURTHER AGREED by the civil City of Fort Wayne by its undersigned officers, that this is a covenant with the present owner of the land and its successors as aforesaid and shall be such contract and promise as will run with the land and be binding and obligatory upon all successors.

IN WITNESS WHEREOF, the civil City of Fort Wayne, by the undersigned officers, has caused this instrument to be executed the date and year first above indicated.

CITY OF FORT WAYNE

By

Frank A. Berman

By

Robert W. Dehman

APPROVED as to form and legality by

Robert E. Meyers
Robert E. Meyers, Associate City Attorney

Its Board of Public Works

FEB 3 1966

City of Fort Wayne



BOARD OF PUBLIC WORKS

FEB 3 1966

ENGINEERING DEPARTMENT

425 SOUTH CALHOUN STREET

FORT WAYNE, INDIANA

NOTED

☒ F.S.E.
☒ R.W.D.
☐ G.F.G.

February 2, 1966 ^{Date}

Board of Public Works
City Hall

Subject: Easement for Resolution No. 160 - Glenbrook Shopping Center

Gentlemen:

Mr. Phil Burt, attorney who represents Dr. Charles J. Cooney, contacted me today regarding a settlement for the damages of the easement which we condemned across Dr. Cooney's property. He agreed to settle for \$400.

After talking with you this afternoon, I informed Mr. Burt this amount was agreeable with the Board of Public Works. He has prepared an instrument which I should like you to sign, which will give his client the right to build over this sewer at some future date - providing the building is structurally designed so as not to bear on the sewer. This document has been forwarded to Mr. Robert E. Meyers for his approval.

Mr. Burt informed me that the check should be mailed to Dr. Charles J. Cooney at 2620 Covington Club Court, as he is president of Gateway Properties, Inc.

Yours truly,

Ron Bonar

Ron Bonar
Chief Sewer Engineer

gk
cc: Mr. W. H. Meitz

HK
7/3/66

NOTICE OF IMPROVEMENT

OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, Dec. 3, 1965.

1185

To.....

.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did
Declaratory
pass Improvement/Resolution No. 1185-1965
providing for the Condemnation of right of way for sewer easement purposes in the
vicinity of Coldwater Road and Ridgewood Drive. This easement is needed in connection
with Sewer Resolution No. 160-1965.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the de-
tailed plans, profile and specifications which are now on file and may be seen in the office of the Board
of Public Works.

The Board has fixed.....Thursday, December 16, 1965 at 3:30 pm in Conference Room 102
a date and time when they will hear and consider objections or remonstrances from all persons whose
property will be affected by the proposed improvement.

You are hereby notified that

Space

is subject to assessment for said proposed improvement under the Improvement Laws passed by the Gen-
eral Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supple-
mental thereof.

BOARD OF PUBLIC WORKS

Board of Public Works, City of Ft. Wayne
(Governmental Unit)To NEWS-SENT INEL Dr.

DEC 13 1965

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

156562

COMPUTATION OF CHARGES

62 lines, 11 columns wide equals 226 equivalent lines at 226 cents per line\$ 14.01

Additional charge for notices containing rule and figure work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 14.01

DATA FOR COMPUTING COST

Width of single column 11 $\frac{1}{2}$ emsSize of type 5 $\frac{1}{2}$ pointNumber of insertions 2Size of quad upon which type is cast 5 $\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date December 7, 19 65Title SECRETARY-TREASURER

NOTICE TO PROPERTY OWNERS
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 22nd day of November, 1965 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION
NO. 1185-1965
Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right of way for permanent easement for storm sewer purposes across and through a strip of land 14 feet in width contained in the following described real estate in Allen County, Indiana to wit: Beginning at a point on the west line of the Northwest Quarter Section 25, Township 31 North, Range 12 east, in said county, said point being 2,171.3 feet south of the north-west corner of said Section; thence east parallel with the north line of said Section 310.2 feet; thence south parallel with the west line of said Section 145.2 feet to the centerline of the Leo Road; thence southwesterly on the centerline of the Leo Road 194.12 feet; thence northwesterly to the west line of said Section 186.58 feet; thence north on the west line of the said northwest Quarter 237.01 feet to the place of beginning. The centerline of said easement is described as follows: Beginning at a point on the west property line of the above described real estate and 148.2 feet south of the north property line; thence east and parallel to the north property line a distance of 282.77 feet to a point on the east property line of said real estate.

All as shown by a plan of such proposed Condemnation of right of way for sewer purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Condemnation of right of way for sewer easement shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed December 16th, 1965 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m. the Board will meet at its office for the purpose of taking final action thereon.

FRED S. EHRLMAN,
ROBERT W. DAHMAN,
GEO. F. GABLE,
Board of Public Works.

ATTEST: KENNETH MCGRAW, Clerk.
11-26, 12-3.

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } ss:Personally appeared before me, a notary public in and for said county and state, the undersigned MARTHA L. BRANNING who, being duly sworn, says that She is SECRETARY-TREASURER of the NEWS-SENT INELa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:November 26, 1965December 3, 1965Subscribed and sworn to before me this 7th day of December 19 65Edith Stapleton
Notary PublicMy commission expires March 8, 1966

Claim No. Warrant No.

IN FAVOR OF

\$

On Account of Appropriation for

Appropriation No.

Allowed, 19

In the sum of \$

GARRETT CLIPPER, Garrett, Ind.

I have examined the within claim and hereby certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is apparently } Correct
 } Incorrect

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

.....195.....

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

Size of Type	11½ Em Column (138 Points)			
	Number of Insertions			
	1	2	3	4
5½	.151	.226	.301	.376
6	.138	.207	.276	.345
7	.118	.177	.237	.296
7½	.11	.166	.221	.276
8	.104	.155	.207	.259
9	.092	.138	.184	.23
10	.083	.124	.166	.207
12	.069	.104	.138	.173

Note: Above table is based on a square of 250 ems.

Board of Public Works, City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

DEC 13 1965

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines
Head number of lines
Body number of lines
Tail number of lines
Total number of lines in notice

COMPUTATION OF CHARGES

62 lines, columns wide equals equivalent lines at 2264 cents per line
Additional charge for notices containing rule and figure work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two)
TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 11 1/2 ems
Size of type 5 1/2 point
Number of insertions 2
Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date December 7, 1965

Title ASSISTANT SECRETARY

NOTICE TO PROPERTY OWNERS
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 22nd day of November, 1965 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION
NO. 1185-1965
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FRED S. EHRLMAN,
ROBERT W. DAHMAN,
GEO. F. GABLE,
Board of Public Works.
ATTEST: KENNETH MCGRAW, Clerk.
11-26, 12-3.

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARNOLD F. SCHERER who, being duly sworn, says that he is ASSISTANT SECRETARY of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

November 26, 1965

December 3, 1965

Subscribed and sworn to before me this 7th day of December 1965

Edith Stapleton
Notary Public

My commission expires March 8, 1966

Claim No. Warrant No.

IN FAVOR OF

\$

On Account of Appropriation for

Appropriation No.

Allowed, 19

In the sum of \$

I have examined the within claim and hereby certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is apparently } Correct
 } Incorrect

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

.....195.....

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

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9	.092	.138	.184	.23
10	.083	.124	.166	.207
12	.069	.104	.138	.173

Note: Above table is based on a square of 250 ems.

RECEIVED
BOARD OF PUBLIC WORKS
CITY OF FT WAYNE IND.
JAN 21 1966

January 19, 1966

Gentlemen:

The undersigned, owners of real

By: Charles J. Cooney
Charles J. Cooney, Pres.

**Remonstrance
Against Passage**

of a Resolution for

from _____

to _____

Filed with the Board of Public Works

RECEIVED
BOARD OF PUBLIC WORKS
CITY OF FT. WAYNE, IND.
JAN 21 1966

JAN 21 1966

Gentlemen:

estate respectfully remonstrate against the passage of a resolution providing for the **Condemnation of right-of-way for sewer easement purposes in the vicinity of Coldwater Road and Ridgeway Drive, in connection with Sewer Resolution No. 160-1965. This Remonstrance is against the assessment of damages to real estate described as the South 538.5' of the N. W. ¼ Sec. 25-31-12E West of Clinton Street except the So. Triangular Part. Declaratory Resolution No. 1185-1965.**

NAME

ADDRESS

Gateway Properties, Inc.

5832 Radcliffe Drive, Ft. Wayne, Ind.

By:

Charles J. Cooney, Pres.

Remonstrance
Against Passage
of a Resolution for

from _____

to _____

Filed with the Board of Public Works

VICINITY OF COLDWATER ROAD AND RIDGENOOD DRIVE. THIS EASEMENT IS NEEDED IN CONNECTION WITH SEWER RESOLUTION No.
160-1965.

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	GATEWAY PROPERTIES, INC.	5832 Rodcliffe Dr.				DENCE- THE SOUTH 538.5' OF THE
2						N.W. 1/4 SEC. 25-31-12 E WEST OF
3						CAINTON STREET, EXCEPT THE SO.
4						TRIANGULAR PART.
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61	NOTICES MAILED OR SERVED					
62	Dec 3, 1965					
63	By: Beryl C. Redding					
64						
65						
			TOTAL			

1185